

REMARKS

The Examiner is thanked for his careful and thorough Office Action.

Claims 1-31 are pending in the present application.

Reconsideration of the claims is respectfully requested.

Claim Rejections -- 35 U.S.C. § 102

Claims 1-12, 15-17, and 26-28 were rejected as anticipated by *Canada et al.* (USP 6,301,514, hereinafter “Canada”). This rejection is respectfully traversed.

With regard to independent claim 1, Canada does appear, in Col. 10 line 36-57 as referenced in the Office Action, to state that sensors receive a status poll message and respond to it. However, Claim 1 also requires “*repeating the receiving and sending on a regular basis.*” The Office Action cites Canada’s col. 16 lines 18-48 in support of this limitation. On careful reading, it appears that the polling by the command station is repeated “[w]hen it is discovered that a device did not respond to the status request.” If the device is not responding, then it is not “receiving and sending.” These passages, taken together, do not appear to disclose that the wireless device is “repeating the receiving and sending” even if the base station is repeatedly polling. This rejection is traversed, and claims 1-8 should be allowed over Canada.

Similarly with regard to independent claim 9, Canada does appear, in Col. 10 line 36-57 as referenced in the Office Action, to state that the command station sends a status poll message and receives a response. However, Claim 9 also requires “*repeating the sending and receiving on a regular basis.*” The Office Action cites Canada’s col 16 lines 18-48 in support of this limitation. On careful reading, it appears that the polling by the command station is repeated “[w]hen it is discovered that a device did not respond to the status request.” If the device is not responding, then the command station cannot be said to be repeatedly “sending and receiving.” These passages, taken together, do not appear to disclose that the command station is “repeating the sending and receiving” even if the base station is repeatedly polling. This rejection is traversed, and claims 9-17 should be allowed over Canada.

With regard to independent claim 26, nothing in Canada, and certainly not in the cited passages, discloses “*receiving information from each available wireless transceiver at random points in time over a shared channel*” as required by this claim. Indeed, the term “random” does not even appear in the reference. Further, Canada notes in col. 10 line 42 that typical responses are received in less than 4 ms. This rejection is traversed and claims 26-28 should be allowed over Canada.

With regard to dependent claims 2 and 10, the Office Action cites a passage of Canada that perfectly illustrates that Canada does not correspond to the claims. This passage, at col. 14

line 57 to col. 15 line 15, describes a process wherein the command station repeatedly sends out requests to which no response is received (note in particular col. 15 line 47, which describes this process as taking place “[e]very time a monitor 4 does not respond to a status poll.” Since the monitor is not responding, the command station is not “*repeating the sending and receiving*” as in claim 9 (since it is not receiving a response) and the monitor is not “*repeating the receiving and sending*” as in claim 1 (since it is not sending and apparently not receiving, either). In Canada, the “detected problem” is preventing at least one of the sending and receiving steps from occurring. Claims 2 and 10 should be allowed over Canada.

With regard to dependent claims 3 and 11, Canada col. 14 line 57 to col. 15 line 15, as cited by the Office Action, does not appear to describe any “problem detection message” at all, and does not indicate that the “lost synch” loop is initiated in response to a problem detection message. Indeed, it appears that the “lost synch” loop process is started because no response is received (see discussion of claims 4 and 12, below). For this reason, and for the reasons described above with relation to similar claims, claims 3 and 11 should be allowed over Canada.

With regard to dependant claims 4 and 12, Canada col. 14 line 57 to col. 15 line 15, as cited by the Office Action, does appear to indicate that the “lost synch” loop is initiated is started because no response is received (as specifically noted in col. 14 line 47). This only highlights the fact that there is no response sent by Canada’s monitor or received by Canada’s command

station, so the command station is not “*repeating the sending and receiving*” as in claim 9 (since it is not receiving a response) and the monitor is not “*repeating the receiving and sending*” as in claim 1 (since it is not sending and apparently not receiving, either). Claims 4 and 12 should be allowed over Canada.

With regard to dependent claim 5, Canada does not appear to teach or suggest “*detecting that a power failure has occurred,*” rather, Canada simply states that power failure can be one of the reasons that a response is not received. Claim 5 should be allowed over Canada.

With regard to claims 6 and 7, nothing in Canada teaches or suggests delaying for a random period of time prior to sending the information; indeed, as noted above, the term “random” does not even appear in that reference. Claims 6 and 7 should be allowed over Canada.

With regard to claims 15 and 16, the Office Action misinterprets the phrase “any given time” in the abstract; this phrase does not in any way teach or suggest that information is received at random points of time, but rather means that only one element of the system is communicating at a time. Nothing in Canada teaches the claimed feature including “*at random points of time*” as described above. Claims 15 and 16 should be allowed over Canada.

With regard to claim 28, the Office Action cites Canada's col 16 lines 18-48 in support of this limitation. On careful reading, it appears that the polling by the command station is repeated "[w]hen it is discovered that a device did not respond to the status request." If the device is not responding, then the command station cannot be said to be repeatedly "sending and receiving." These passages, taken together, do not appear to disclose that the command station is "repeating the sending and receiving" even if the base station is repeatedly polling. This rejection is traversed, and claim 28 should be allowed over Canada.

Claim Rejections -- 35 U.S.C. § 103

Claims 13, 14, 18-25, and 29-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Canada in view of *Hidem et al.* (USP 5,749,052, hereinafter "Hidem"). This rejection is respectfully traversed.

Applicant initially notes that the basic polling process of the extant claims is in no way taught or suggested by Hidem, and nor is that alleged by the extant office action. The one reference to "polling" in Hidem is at col. 9 lines 59-52, and this passage simply indicates that no polling is performed. As such, all claims that depend from an independent claim addressed

above with regard to the anticipation rejection are also allowable over any combination of Canada and Hidem, and all the arguments above are incorporated with regard to these obviousness rejections.

Further, the only description in Hidem that appears to discuss cutting off a cellular communication is at col.12, lines 1-12, which arguably includes tearing down a data traffic channel. Applicant does not concede this point, since this reference is not specific as to whether only the voice portion of a call is broken down, or if the entire channel is broken down. In this passage, Hidem indicates that the cellular communication is cut off when a minimum battery threshold is reached. Applicant notes that Hidem does not disclose cutting off the cellular communication for communication failure or power failure.

With respect to claim 13, nothing in Canada or Hidem teaches or suggests “*detecting a communication failure on a data traffic channel; tearing down the data traffic channel after detecting the communication failure; and initiating the repeated receiving and sending in response to detecting the communication failure.*” The undersigned has studied the passages of Hidem cited by the Office Action, and none of them describe anything similar to this, as described above. Claim 13 should be allowed.

With regard to claim 14, as described above, nothing in Canada or Hidem teaches or suggests detecting that a power failure has occurred, or initiating the repeated receiving and sending in response. Claim 14 should be allowed over Canada and Hidem.

With regard to claim 18, as described above, nothing in Hidem or Canada teaches or suggests detecting that a power failure has occurred, or tearing down a wireless data traffic channel or polling a wireless transceiver unit in response to detecting a power failure. Claim 18 should be allowed over Canada and Hidem. Similarly, claims 19-21 should also be allowed over Canada and Hidem.

With regard to claim 22, as described above, nothing in Hidem or Canada appears to teach or suggest “*detecting, on a data traffic channel, a communication failure involving a wireless transceiver unit; and polling the wireless transceiver unit for information in response to detecting the communication failure on the data traffic channel.*” Claims 22-25 should be allowed.

With regard to claims 29-31, as described above, nothing in Hidem or Canada teaches or suggests “*delaying for a random period of time.*” Claims 29-31 should be allowed.

All rejections have been traversed, and reconsideration and allowance is requested.

SUMMARY

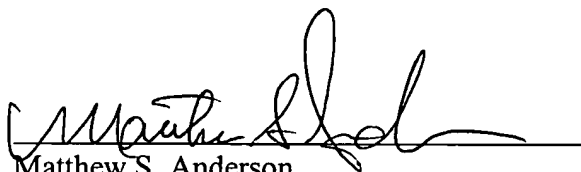
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *manderson@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: 10/31/03


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